

FILED

APR 10 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID DUTRA, JAMES MARVIN, STEVEN
MURPHY, & BENNY ROS,

No. C 06-0323 MHP

Petitioner,

v.

ORDER TO SHOW CAUSE

DEPARTMENT OF CORRECTIONS AND
REHABILITATION, AND LEA ANN CHRONES,
ANTHONY KANE, & KATHY MENOZA-POWERS,
Warden,


Respondents.

Petitioners David Dutra, James Marvin, Steven Murphy, & Benny Ros have filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the charges and their convictions for disciplinary violations at the California Men's Colony. Having reviewed the petition, the court finds that petitioners' claims are more appropriately brought under 42 U.S.C. § 1983. Respondents are therefore ordered to show cause, in a brief of no more than 10 pages, within 14 days, as to why petitioners' habeas petition should not be treated as a complaint under section 1983. Petitioners may file a reply, also not to exceed 10 pages, within 14 days of respondents' submission.

IT IS SO ORDERED.

Date:

4/7/06


MADHVI HALL PATEL
District Judge
United States District Court
Northern District of California